

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 IO-13 ADP-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-02

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 /243 W

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R 111905Z JUL 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 372

INFO AMEMBASSY LONDON

AMEMBASSY OTTAWA

USUN NEWYORK 9162

UNCLAS GENEVA 3515

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE: WORKING GROUP 2 OF
SUBCOMMITTEE III--MARINE POLLUTION--JULY 9 MEETING

REF: GENEVA 3394

SUMMARY: U.K. AND U.S. RESPONDED TO CANADIAN INTERVENTION,
REPORTED REFTEL, ON RELATIONSHIP OF IMCO CONFERENCE AND
LOS. CANADA LINKED RESOURCE AND POLLUTION JURISDICTION.
BELGIUM, NETHERLANDS AND JAPAN SPOKE IN FAVOR OF
INTERNATIONAL STANDARDS FOR CONTROL OF VESSEL SOURCE
POLLUTION. PRC SUPPORTED COASTAL STATE POLLUTION
JURISDICTION. END SUMMARY

1. U.K. NOTED THAT THE MAIN SOURCE OF MARINE POLLUTION
IS FROM THE LAND (80 PERCENT) AND THE U.K. WANTS TO
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PREVENT SUCH POLLUTION FROM REACHING THE SEA. WITH

RESPECT TO THE 20 PERCENT REMAINING, THEY SUPPORT THE 1973 IMCO CONFERENCE. PENDING CHANGES IN INTERNATIONAL LOS, IMCO MUST STAY WITHIN THE CONFINES OF EXISTING LAW OF THE SEA AND NOT PREJUDICE THE SANTIAGO CONFERENCE (THIS LATTER COMMENT WAS IN RESPONSE TO CANADIAN POINT MADE AT WORKING GROUP MEETING JULY 5 REPORTED REFTEL). IN RESPONSE TO A PREVIOUS TANZANIAN COMMENT HE NOTED THAT THE LOS CONFERENCE IS TO DEFINE REASONABLE STANDARDS COLLECTIVELY AND NOT MERELY TO RELY ON COASTAL STATE DISCRETION. THE OCTOBER CONFERENCE SHOULD CLOSE THE CONVENTIONAL GAPS IN POLLUTION OF THE SEA BY VESSELS. THE U.K. SUPPORTS INTERNATIONAL STANDARDS. THE EXTREME STEPS PROPOSED BY CANADA ARE NOT REQUIRED.

2. THE U.S. RESPONDED TO THE CANADIAN VIEWS ON THE IMCO CONFERENCE REPORTED REFTEL. U.S. REP STATED THAT IF IMCO WERE TO CONFIRM WHAT THE CANADIANS CALLED AN EMERGING CONSENSUS ON QUESTION OF JURISDICTION, A CONSENSUS THAT THEY VIEW AS SUPPORTING BROAD COASTAL STATE JURISDICTION, IT WOULD BE A CHANGE IN THE LAW, A CHANGE MADE OUTSIDE OF THE LOS NEGOTIATIONS. ANY SUCH CHANGE INVOLVING ISSUES ON WHICH THERE IS NO AGREEMENT IN THE LOS FORUM THREATENS THE INTEGRAL STRUCTURE OF OUR NEGOTIATIONS. ONLY IN LOS CAN WE PROPERLY BALANCE ALL OF THE INTERESTS INVOLVED AND REACH A SOLUTION AGREEABLE TO ALL.

3. FRANCE WHILE GENERALLY FAVORING ANY INITIATIVE ON MARINE POLLUTION HAD PROBLEMS WITH R. TRAIN'S PROPOSAL TO THE IMCO COUNCIL ON JUNE 5. ESSENTIALLY FRENCH REP THOUGHT THE PROPOSAL ON MEPC AND ADOPTION OF AMENDMENTS GOES AGAINST THE SOVEREIGNTY OF INDIVIDUAL STATES. AT THE SAME TIME THEY DID NOT WISH TO BE CRITICAL OF IMCO AND DO NOT WISH THAT IMCO PREJUDICE LOS.

4. CANADA WHILE AGREEING THAT THE MAIN SOURCE OF MARINE POLLUTION IS LAND BASED, ASKED WHETHER THEY MUST THEREFORE ACCEPT EXCLUSIVELY INTERNATIONAL STANDARDS. WHILE STATES HAVE JURISDICTION OVER LAND BASED AND SEABED SOURCES (AND CAN TAKE NECESSARY MEASURES) THEY ARE CONCERNED ABOUT THE POLLUTION THREAT FROM VESSELS. FEW OR NO STATES COULD

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ACCEPT THE COASTAL STATE HAVING NO RESIDUAL RIGHT TO TAKE ACTION. THEY REITERATED THEIR POINTS REFTEL AND SAID THAT IMCO MUST NOT PREJUDICE LOS AND THAT IT WOULD BE BETTER FOR IMCO TO ANTICIPATE LOS RESULTS.

5. SPAIN PROPOSED AN AMENDMENT TO ARTICLE 4 OF THE DRAFT IMCO CONVENTION WHICH IN ESSENCE WOULD SAY THAT CONTRACTING PARTIES SHALL PROHIBIT THE DISCHARGE OF EFFLUENTS

INTO THE MARINE ENVIRONMENT AND THAT OVER AND BEYOND FLAG STATE JURISDICTION THE COASTAL STATE HAS ENFORCEMENT RIGHTS IN THE AREA UNDER ITS JURISDICTION.

6. BELGIUM INDICATED THAT UNILATERAL COASTAL STATES STANDARDS POSED DANGERS TO THE INTERNATIONAL COMMUNITY. HOWEVER, THEY COULD ENVISAGE A COASTAL STATE RIGHT TO ENFORCE INTERNATIONAL STANDARDS IN A ZONE OFF THEIR COAST. WITH RESPECT TO THE IMCO CONFERENCE, INNOVATIONS ON JURISDICTIONAL ISSUES SHOULD NOT BE INTRODUCED.

7. PERU STATED THAT THE WORK IN IMCO MUST NOT TIE THE HANDS OF COASTAL STATES.

8. THE U.S. REITERATED THE ARGUMENTS MADE PREVIOUSLY IN FAVOR OF EXCLUSIVELY INTERNATIONAL STANDARDS FOR CONTROL OF VESSEL SOURCE POLLUTION.

9. THE NETHERLANDS NOTED THAT VESSELS IN VIEW OF THE FREEDOM OF NAVIGATION SHOULD BE SUBJECT TO INTERNATIONAL STANDARDS. THEY DO SEE A ROLE FOR REGIONAL AND OTHER SOLUTION, E.G., THE CONTROL OF LAND BASED POLLUTION.

10. CANADA STATED THAT THE COASTAL STATE IN ORDER TO BENEFIT FULLY FROM RESOURCE JURISDICTION ADJACENT TO ITS COAST MUST HAVE SOME MARINE POLLUTION JURISDICTION. HE ASKED WHETHER THE U.K. WOULD HAVE HAD A RIGHT TO TAKE ACTION IN THE TORRY CANYON SITUATION WERE THEY CONFINED BY EXCLUSIVELY INTERNATIONAL STANDARDS.

11. JAPAN NOTED THAT THE INTERVENTION CONVENTION GOES QUITE FAR TOWARDS GIVING THE COASTAL STATE THE RIGHT

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TO SELF PROTECTION. HE THOUGHT THAT IMCO SHOULD NOT BE UNDER-VALUED. INTERNATIONAL STANDARDS SHOULD TAKE INTO ACCOUNT SPECIAL AREAS. POLLUTION OF FISHERIES COMES PRIMARILY FROM LAND BASED SOURCES.

12. PRC STATED THAT COASTAL STATES HAVE A RIGHT TO FORMULATE RELEVANT ENVIRONMENTAL POLICIES AND TO TAKE NECESSARY MEASURES WITHIN THEIR JURISDICTION. IN ADDITION, STATES SHOULD COOPERATE ON THE GLOBAL AND REGIONAL LEVEL.

13. THE CHAIRMAN STATED THAT AFTER THIS DISCUSSION IS COMPLETED THE WORKING GROUP WILL DISCUSS TECHNICAL ASSISTANCE. THE INFORMAL DRAFTING GROUP WILL MEET TOMORROW TO CONTINUE DRAFTING ON GLOBAL AND REGIONAL

COOPERATION.

14. COMMENT: THIS WORKING GROUP MEETING WAS ONE OF
MOST SPIRITED AND UNINHIBITED HELD TO DATE.BASSIN

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